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To: Commissioner for Patents for Examiner Bharat Barot Group Art Unit 2155	Facsimile No.: 703/872-9306
From: Lourdes Perez Legal Assistant to Wing Yan Mok	No. of Pages Including Cover Sheet: 21
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document; and• Appcal Brief.	
Re: Application No. 09/735,588 Attorney Docket No: AUS920000563US1	
Date: Monday, April 18, 2005	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **George et al.**Serial No.: **09/735,588**Filed: **December 12, 2000**

**For: Mechanism to Dynamically
Update a Windows System with User
Specific Application Enablement
Support from a Heterogeneous Server
Environment**

35525PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

§ Group Art Unit: **2155**
§
§ Examiner: **Barot, Bharat**
§
§ Attorney Docket No.: **AUS920000563US1**
§

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By: 

Lourdes Perez

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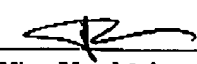
Sir:

ENCLOSED HEREWITH:

- Appeal Brief (37 C.F.R. 41.37).

A fee of \$500.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,


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Docket No. AUS920000563US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **George et al.**

Serial No. **09/735,588**

Filed: **December 12, 2000**

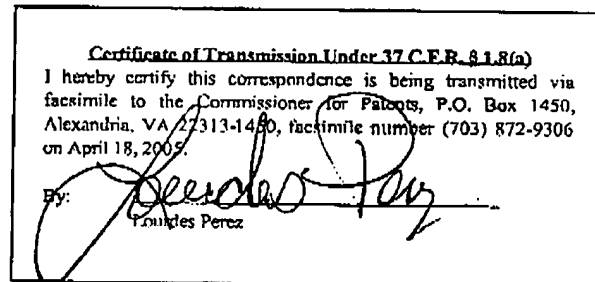
For: **Mechanism to Dynamically
Update a Windows System with User
Specific Application Enablement
Support from a Heterogeneous Server
Environment**

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Group Art Unit: **2155**

Examiner: **Barot, Bharat**

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**



APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on February 22, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

Appeal Brief Page 1 of 19
George et al. - 09/735,588

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS**A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1, 3-6, 8-11, 13-16, and 18-22.

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 2, 7, 12, and 17.
2. Claims withdrawn from consideration but not canceled: None.
3. Claims pending: 1, 3-6, 8-11, 13-16, and 18-22.
4. Claims allowed: None.
5. Claims rejected: 1, 3-6, 8-11, 13-16, and 18-22.
6. Claims objected to: None.

C. CLAIMS ON APPEAL

The claims on appeal are: 1, 3-6, 8-11, 13-16, and 18-22.

STATUS OF AMENDMENTS

There are no amendments after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides a method of updating client computers with user specific application enablement comprising creating a component control file which defines enablement components needed to run applications from a file server assigned to a user on a client and actions to be performed to install the components, wherein the components comprise required changes to an operating system of the client; and creating an installation control file which lists the applications that have been assigned to the user and the components from the component control file which must be installed in order to execute the applications (Specification, page 12 to page 17, Figure 4, element 404). These features are recited in independent claims 1, 11 and 21 of the present invention.

The present invention also provides a method for storing the component control file and the installation control file in a server (Specification, pages 12-13, 17, and 19). These features are recited in dependent claims 3, 4, 13, 14, and 18 of the present invention. In addition, the present invention also provides a method for storing the installation control file in a user-specific profile area in a server (Specification, page 17). These features are recited in dependent claims 5, 9, and 19 of the present invention.

Also, the present invention provides a method for updating client computers with user specific application enablement, comprising reading a user's installation control file which contains a list of enablement components needed to run a set of applications from a file server that have been assigned to the user of a client; and changing an operating system according to each of the enablement components not installed on the client (Specification, page 17-21, Figure 4, element 404). These features are recited in independent claims 6, 16, and 22 of the present invention. Furthermore, the present invention also provides a method for prompting the user before installing the enablement components (Specification, page 20, Figure 5, element 506). These features are recited in dependent claims 10 and 20 of the present invention.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are:

Claims 1, 3-6, 8-11, 13-16, and 18-22 are rejected as being allegedly anticipated by Wilde et al. (U.S. Patent No. 6,446,260) under 35 U.S.C. §102(e).

ARGUMENT

I. 35 U.S.C. § 102(e), Alleged Anticipation, Claims 1, 3-6, 8-11, 13-16, and 18-22

The Final Office Action rejects claims 1, 3-6, 8-11, 13-16, and 18-22 under 35 U.S.C. § 102(e) as being allegedly anticipated by Wilde et al. (U.S. Patent No. 6,446,260). This rejection is respectfully traversed.

As to claim 1, the Final Office Action states:

As to claim 1, Wilde et al teach a method for updating client computers with user specific application enablement (see abstract; figures 1-2, and 4; and column 6 line 28 to column 7 line 36), comprising: creating a component control file which defines enablement components needed to run applications from a file server assigned a user on a client and actions to be performed to install the components, the components comprises required changes to an operating system on the client (figures 1-2; and column 7, line 37 to column 9, line 31); and creating an installation control file which lists the applications that have been assigned to the user and the components from the component control file which must be installed in order to execute the applications (figures 1-2, 4; column 9 line 32 to column 10 line 62; and column 12 lines 15-48).

Final Office Action dated January 5, 2004, page 3.

Independent claim 1, which is representative of claims 11 and 21 with regard to similarly recited subject matter, reads as follows:

1. A method for updating client computers with user specific application enablement, comprising:
creating a component control file which defines enablement components needed to run applications from a file server assigned to a user on a client and actions to be performed to install the components, wherein the components comprise required changes to an operating system of the client; and
creating an installation control file which lists the applications that have been assigned to the user and the components from the component control file which must be installed in order to execute the applications. (emphasis added)

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In*

re Lowry, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Appellants respectfully submit that Wilde does not teach every element of the claimed invention arranged as they are in claims 1, 11 and 21. Specifically, Wilde does not teach creating a component control file which defines enablement components needed to run applications from a file server assigned to a user on a client and actions to be performed to install the components, wherein the components comprise required changes to an operating system of the client, or creating an installation control file which lists the applications that have been assigned to the user and the components from the component control file which must be installed in order to execute the applications.

As discussed in the Abstract, Wilde teaches a method and apparatus for providing personalization parameters to allow an operating system to install itself on a computer system with the provided personalization parameters. A first operating system personalization file is used by the operating system to configure itself. A personalization parameters file is provided and read by an operating system installation process which is initiated in the computer system. The operating system installation process then displays a graphical user interface from which a user is to select personalization parameters with which the operating system is to configure itself. An editing module is executed to edit the operating system configuration file to include at least a portion of the selected personalization parameters so that the operating system is configured with the selected personalization parameters when it installs itself.

However, Wilde does not teach creating an installation control file which lists the applications that have been assigned to the user and the components from the component control file which must be installed in order to execute the applications. The Final Office Action alleges that Wilde teaches these features in figures 1-2 and at column 9, line 32 to column 10, line 62 and at column 12, lines 15-48. At column 9, line 32 to column 10, line 62, Wilde teaches creating two files: a "generic" answer file containing generic operating system parameters (column 10, lines 13-15) and a personalization parameters file (column 10, lines 43-45). The "generic" answer file includes operating system parameters that can be used by all, or a subset, of the workstations on a network. These parameters include a target path to write OS files to client workstations, keyboard layout, display type and drivers, pointing type and drivers (column 9,

lines 50-60). The personalization parameters file is a desktop profile file that includes individual desktop profiles. Each desktop profile includes end-user personalization parameters, such as end-user login name, full end-user name, organization name, computer name, domain or workgroup name, and workstation IP address (column 10, lines 48-55). In addition, at column 12, lines 15-48, Wilde teaches that each desktop profile file preferably contains all desktop profiles with which the user will be personalizing operating system installations (column 12, lines 25-28).

Thus, the files that are created by Wilde either include generic operating system parameters, or user provided parameters that personalize the operating system installation. The user provided parameters include user specific information, such as login name and password. None of the files created by Wilde includes components that must be installed in order to execute applications that are assigned to the user. The user provided parameters merely include user personalized parameters, such as user names and passwords, for personalizing the operating system installation. The user provided parameters do not include any component that has changes required to the operating system for execution of the assigned applications.

Furthermore, Wilde does not even mention anything about components that must be installed in order to execute applications that are assigned to the user, because Wilde is only interested in providing end-user specific personalization parameters for each workstation on the network (column 4, line 54), such that the need for the user to enter post-operating system installation configuration information can be eliminated (column 5, lines 5-8). Since Wilde is not interested in executing applications assigned to the user on the operating system, Wilde does not and would not teach including components that must be installed in order to execute the assigned applications in the personalized parameters file. Therefore, Wilde does not and would not teach creating an installation control file which lists the applications that have been assigned to the user and the components from the component control file which must be installed in order to execute the applications, as recited in claims 1, 11, and 21 of the present invention.

In addition, Wilde does not teach creating a component control file which defines enablement components needed to run applications from a file server assigned to a user on a client and actions to be performed to install the components, wherein the components comprise required changes to an operating system of the client. The Final Office Action alleges that Wildes teaches these features in figures 1-2 and at column 7, line 37 to column 9, line 31. In this

section and in Figure 2, Wilde teaches "a process of how to configure a computer system for automated operating system configuration" (column 8, lines 27-29). Thus, Wilde is directed to a system that installs a personalized operating system on a client. Wilde is not directed to installing components needed to run applications from a file server. In addition, Wilde is not directed to installing components, which comprise required changes to an operating system of the client that are needed to run applications from a file server. As discussed in the Abstract above, Wilde is only interested in installing an operating system that is personalized by user selected parameters, such that the operating system is configured with the selected parameters when it installs itself. Wilde is not interested in components that comprise required changes to the operating system, since the user selected parameters of Wilde are user-specific parameters. The user selected parameters are not changes that are required to the operating system in order to run applications from a file server. Therefore, Wilde does not teach creating a component control file which defines enablement components needed to run applications from a file server assigned to a user on a client and actions to be performed to install the components, wherein the components comprise required changes to an operating system of the client, as recited in claims 1, 11, and 21 of the present invention.

In view of the above, Appellants respectfully submit that Wilde does not teach or suggest all of the features of claims 1, 11 and 21. At least by virtue of their dependency on claims 1 and 11 respectively, Wilde does not teach or suggest the features of claims 3-5 and 13-15. Accordingly, Appellants respectfully request withdrawal of the rejection of claims 1, 3-5, 11, 13-15, and 21 under 35 U.S.C. § 102(e).

With regard to independent claim 6, the Final Office Action states:

As to claim 6, Wilde et al teach a method for updating client computers with user specific application enablement (see abstract; figures 1-2 and 4; and column 6, line 28 to column 7, line 36), comprising: reading a user's installation control file which contains a list of enablement components needed to run a set of applications from a file server that have been assigned to the user of a client; and changing an operating system according to each of the enablement components not installed on the client.

Final Office Action dated January 5, 2005, page 4.

Independent claim 6, which is representative of claims 16 and 22 with regard to similarly recited subject matter, reads as follows:

6. A method for updating client computers with user specific application enablement, comprising:
reading a user's installation control file which contains a list of enablement components needed to run a set of applications from a file server that have been assigned to the user of a client; and
changing an operating system according to each of the enablement components not installed on the client. (emphasis added)

Wilde does not teach reading a user's installation control file which contains a list of enablement components needed to run a set of applications from a file server that have been assigned to the user of a client or changing an operating system according to each of the enablement components not installed on the client. The Final Office Action alleges that Wilde teaches these features at column 12, line 49 to column 14, line 7, and at column 14, line 59 to column 16, line 28. In the first section, Wilde teaches that after a service boot, the user selects an operating system to be deployed (column 13, line 7). After selection of an operating system, the user selects a group of personalization parameter with which the selected operating system will be configured (column 13, lines 30-35). After selection of personalization parameters with which the deployed operating system is to be configured, an editing module places the personalized parameters from the selected group in the generic answer file to create an updated answer file (column 13, lines 30-65).

In this section, Wilde merely teaches including user selected parameters in an updated answer file with which the deployed operating system is to be configured. Wilde does not teach reading a user's installation control file that has a list of components needed to run a set of applications from a file server assigned to a user. Since Wilde is only interested in installing a personalized operating system rather than a set of applications assigned to the user, Wilde does not and would not teach a list of components that are needed to run a set of applications from a file server assigned to a user. In addition, Wilde does not teach changing an operating system according to each of the enablement components not installed on the client. Wilde only teaches configuring the deployed operating system with the user selected personalized parameters. Wilde does not configure the operating system with enablement components that are needed to run a set of applications from a file server and are not installed on the client.

In the second section, Wilde teaches a post installation module that can edit operating

system APIs to include non pre-installation configurable personalization parameters that cannot be stored in an answer file, for example, end-user login name and password. The post OS installation module places the retrieved values of the personalization parameters in arguments of the APIs. The post OS installation module then executes the API which automatically configures the installed OS to have the end-user login name and password.

In this section, Wilde does not teach reading a user's installation control file that has a list of components needed to run a set of applications from a file server assigned to a user. To the contrary, Wilde teaches away from reading a user's installation control for a list of components by specifically teaching that the post OS installation module reads the non pre-installation configurable personalization parameters that cannot be stored in an answer file. Therefore, Wilde does not and would not teach reading a user's installation control file that has a list of components needed to run a set of applications from a file server assigned to a user. Furthermore, Wilde does not teach changing an operating system according to each of the enablement components not installed on the client. Wilde merely teaches a post OS installation module that places the retrieved values of the personalization parameters in arguments of the operating system APIs. The values of the personalization parameters are user-specific parameters, such as user login names and passwords. The values of the personalization parameters are not enablement components that are needed to run a set of applications from a file server. Therefore, Wilde fails to teach the features of claims 6, 16, and 22 of the present invention.

In view of the above, Appellants respectfully submit that Wilde does not teach or suggest all of the features of claims 6, 16, and 22. At least by virtue of their dependency on claims 6 and 16 respectively, Wilde does not teach or suggest the features of claims 8-10 and 17-20. Accordingly, Appellants respectfully request withdrawal of the rejection of claims 6, 8-10, 16, 17-20, and 22 under 35 U.S.C. § 102(e).

In addition, Wilde does not teach the specific features as recited in dependent claims 3-5, 8-10, 13-15, and 17-20. For example, with regard to claim 3, which is representative of claim 13 with regard to similarly recite subject matter, Wilde does not teach a component control file that is stored in a server. Since Wilde does not teach the features of independent claims 1 and 11, from which claims 3 and 13 depend, Wilde also does not teach the features of dependent claims 3 and 13. Thus, Wilde fails to teach the feature of claims 3 and 13 of the present invention.


With regard to claims 4 and 5, which is representative of claims 8, 9, 14, 15 and 18 with regard to similarly recite subject matter, Wilde does not teach an installation control file that is stored in a server or an installation control file that is stored in a user-specific area in a server. Since Wilde does not teach the features of independent claim 1, from which claims 4 and 5 depend, Wilde also does not teach the features of dependent claims 4 and 5. Therefore, Wilde fails to teach the feature of claims 4, 5, 8, 9, 14, 15 and 18 of the present invention.

With regard to claim 10, which is representative of claim 20 with regard to similarly recite subject matter, Wilde does not teach prompting the user before installing the enablement components. Since Wilde does not teach the features of independent claims 6 and 16, from which claims 10 and 20 depend, Wilde also does not teach the features of dependent claims 10 and 20. Therefore, Wilde fails to teach the features of claims 10 and 20 of the present invention.

In view of the above, Appellants respectfully submit that Wilde does not teach or suggest each and every feature recited in dependent claims 3-5, 8-10, 13-15, and 17-20. Thus, Appellants respectfully request withdrawal of the rejection of claims 3-5, 8-10, 13-15, and 17-20 under 35 U.S.C. § 102(e).

CONCLUSION

In view of the comments above, Appellants respectfully submit that the rejections of claims 1, 3-6, 8-11, 13-16, and 18-22 are overcome. Accordingly, it is respectfully urged that the rejection of claims 1, 3-6, 8-11, 13-16, and 18-22 not be sustained.



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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A method for updating client computers with user specific application enablement, comprising:

creating a component control file which defines enablement components needed to run applications from a file server assigned to a user on a client and actions to be performed to install the components, wherein the components comprise required changes to an operating system of the client; and

creating an installation control file which lists the applications that have been assigned to the user and the components from the component control file which must be installed in order to execute the applications.

3. The method according to claim 1, wherein the component control file is stored in a server.

4. The method according to claim 1, wherein the installation control file is stored in a server.

5. The method according to claim 4, wherein the installation control file is stored in a user-specific profile area in the server.

6. A method for updating client computers with user specific application enablement, comprising:

reading a user's installation control file which contains a list of enablement components needed to run a set of applications from a file server that have been assigned to the user of a client; and

changing an operating system according to each of the enablement components not installed on the client.

8. The method according to claim 6, wherein the installation control file is stored in a server.
9. The method according to claim 6, wherein the installation control file is stored in a user-specific profile in the server.
10. The method according to claim 6, further comprising prompting the user before installing the enablement components.
11. A computer program product in a computer readable medium for use in a data processing system for updating client computers with user specific application enablement, comprising:
 - instructions for creating a component control file which defines enablement components needed to run applications from a file server assigned to a user on a client and actions to be performed to install the components; and
 - instructions for creating an installation control file which lists the applications that have been assigned to the user and the components from the component control file which must be installed in order to execute the applications.
13. The computer program product according to claim 11, wherein the component control file is stored on a server.
14. The computer program product according to claim 11, wherein the installation control file is stored on a server.
15. The computer program product according to claim 14, wherein the installation control file is stored in a user-specific profile area in the server.
16. A computer program product in a computer readable medium for use in a data processing system for updating client computers with user specific application enablement, comprising:
 - instructions for reading a user's installation control file which contains a list of enablement components needed to run a set of applications from a file server that have been

assigned to the user of a client; and

instructions for changing an operating system according to each of the enablement components not installed on the client.

18. The computer program product according to claim 16, wherein the installation control file is stored on a server.

19. The computer program product according to claim 16, wherein the installation control file is stored in a user-specific profile area in the server.

20. The computer program product according to claim 16, further comprising instructions for prompting the user before installing the enablement components.

21. system having means for updating client computers with user specific application enablement, comprising:

means for creating a component control file which defines enablement components needed to run applications from a file server on a client and the actions to be performed to install components; and

means for creating an installation control file which lists the applications that have been assigned to a user and the components from the component control file which must be installed in order to execute the applications.

22. A system having means for updating client computers with user specific application enablement, comprising:

means for reading a user's installation control file which contains a list of the enablement components needed to run a set of applications that have been assigned to the user; and

means for changing an operating system according to each of the enablement components not installed on the client.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.